



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 8, 1996

Ms. Denise A. Champion
Assistant City Attorney
Office of the City Attorney, City Hall
Dallas, Texas 75201

OR96-0680

Dear Ms. Champion:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39583.

The Dallas Police Department (the "department") received a request for information seeking "copies of all documentation relating to an assault which occurred January 25, 1995, at the 7-11 convenience store located at Trinity Mills Boulevard and Kelly Boulevard in Dallas [service numbers 006-7364, 006-7464, 006-7475, and 006-7468]." You have submitted for our review the documents responsive to the request. You claim, however, that the information is excepted from required public disclosure by sections 552.103 and 552.108 of Government Code.

The Open Records Act imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

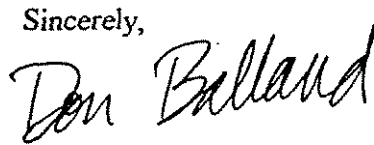
In this instance, the request for information was marked received by the department on March 11, 1996. You sought an open records decision from this office on

March 22, 1996. Consequently, you have not met your burden under section 552.301 of the act.

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 39583

Enclosures: Submitted documents

cc: Alan R. Davis
Paralegal
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(w/o enclosures)